

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

6

USCA NO. _____

SDNY NO. 07cv 7652

JUDGE: KMW

DATE: Sept. 28, 2007

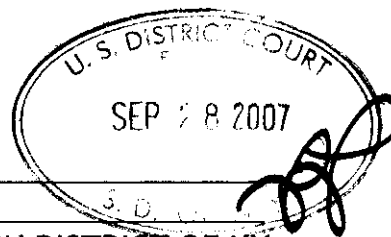
Torio

-v-

Johanns, et al

INDEX TO THE RECORD ON APPEAL

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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 28th Day of Sept., 2007.

**United States District Court for
the Southern District of New York**

Date: Sept. 28, 2007

U.S.C.A. # _____

U.S.D.C. # 07cv 7652

D.C. JUDGE KMW

Terio

-V-

Johanns, et al

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

<u>Date Filed</u>	<u>Document Description</u>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 28th Day of Sept In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

APPEAL, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-07652-KMW
Internal Use Only

Terio v. Johanns et al
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Civil Rights Act

Date Filed: 08/28/2007
Date Terminated: 08/28/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
08/28/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vincent Terio.(laq) (Entered: 09/05/2007)
08/28/2007	<u>2</u>	COMPLAINT against Michael Johanns, Michael J. Piazza, Jr, Grainger. Document filed by Vincent Terio.(laq) (Entered: 09/05/2007)
08/28/2007		Magistrate Judge Gabriel W. Gorenstein is so designated. (laq) (Entered: 09/05/2007)
08/28/2007	<u>3</u>	ORDER OF DISMISSAL,,,The Court grants plaintiff's request to proceed in forma pauperis, but dismiss the action as set forth within. Accordingly, the action is dismissed sua sponte because it fails to state a claim on which relief may be granted. 28 U.S.C.1915(e)(2)(B)(ii). Plaintiff is hereby warned that should he continue to file frivolous actions, he may be barred from filing future actions in forma pauperis without first seeking leave from this Court. The Court certifies pursuant to 28 U.S.C.1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/28/7) (laq) (Entered: 09/05/2007)
08/28/2007	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/28/7) (laq) (Entered: 09/05/2007)
09/13/2007	<u>5</u>	NOTICE OF APPEAL from [4] Judgment - Sua Sponte (Complaint), Judgment - Sua Sponte (Complaint). Document filed by Vincent Terio. Copies mailed to the attorneys of record: U.S. Attorneys Office. (dt) (Entered: 09/27/2007)
09/13/2007		Appeal Remark as to [5] Notice of Appeal filed by Vincent Terio. I.F.P. REVOKED 82/28/07. \$ 455.00 APPEAL FILING FEE DUE. (dt) (Entered: 09/27/2007)
09/27/2007		Transmission of Notice of Appeal to the District Judge re: [5] Notice of Appeal. (dt) (Entered: 09/27/2007)
09/28/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [5] Notice of Appeal. (tp) (Entered: 09/28/2007)